

AN ACT

relating to community supervision and corrections departments and community justice plans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 76.002, Government Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) The board shall ~~may~~ adopt rules allowing departments to contract with one another for services or facilities or to contract as provided by Subsection (f).

(f) In lieu of establishing a department as required by Subsection (a), programs and services may be provided under this chapter in a judicial district through a contract with a department established for another judicial district.

SECTION 2. Section 76.003(b), Government Code, is amended to read as follows:

(b) A council should consist of the following persons or their designees:

(1) a sheriff of a county served by the department, chosen by the sheriffs of the counties to be served by the department;

(2) a county commissioner or a county judge from a county served by the department, chosen by the county commissioners and county judges of the counties served by the department;

1 (3) a city council member of the most populous
2 municipality in a county served by the department, chosen by the
3 members of the city councils of cities served by the department;

4 (4) not more than two state legislators elected from a
5 county served by the department, or in a county with a population of
6 one million or more to be served by the department, not more than
7 one state senator and one state representative elected from the
8 county, chosen by the state legislators elected from the county or
9 counties served by the department;

10 (5) the presiding judge from a judicial district
11 served by the department, chosen by the district judges from the
12 judicial districts served by the department;

13 (6) a judge of a statutory county court exercising
14 criminal jurisdiction in a county served by the department, chosen
15 by the judges of statutory county courts with criminal jurisdiction
16 in the counties served by the department;

17 (7) a county attorney with criminal jurisdiction from
18 a county served by the department, chosen by the county attorneys
19 with criminal jurisdiction from the counties served by the
20 department;

21 (8) a district attorney or criminal district attorney
22 from a judicial district served by the department, chosen by the
23 district attorneys or criminal district attorneys from the judicial
24 districts served by the department; [and]

25 (9) an elected member of the board of trustees of an
26 independent school district in a county served by the department,
27 chosen by the members of the boards of trustees of independent

1 school districts located in counties served by the department; and
2 (10) the department director.

3 SECTION 3. Chapter 492, Government Code, is amended by
4 adding Section 492.017 to read as follows:

5 Sec. 492.017. LEGISLATIVE APPROPRIATIONS REQUEST.

6 (a) The board shall require the department to submit each
7 legislative appropriations request, accompanied by the most recent
8 report prepared by the community justice assistance division of the
9 department under Section 509.004(c), to the board for approval
10 before the department submits the appropriations request to the
11 Legislative Budget Board.

12 (b) In deciding whether to approve a legislative
13 appropriations request submitted under Subsection (a), the board
14 shall consider the most recent report prepared by the community
15 justice assistance division of the department under Section
16 509.004(c).

17 SECTION 4. Chapter 493, Government Code, is amended by
18 adding Section 493.0081 to read as follows:

19 Sec. 493.0081. LEGISLATIVE APPROPRIATIONS REQUEST. The
20 department shall include in each legislative appropriations
21 request submitted to the Legislative Budget Board the information
22 contained in the most recent report prepared by the community
23 justice assistance division under Section 509.004(c).

24 SECTION 5. Section 509.004, Government Code, is amended by
25 adding Subsections (c), (d), and (e) to read as follows:

26 (c) The division shall prepare a report that contains a
27 detailed summary of the programs and services provided by

departments, as described in each community justice plan submitted to the division under Section 509.007. The report must include:

(1) all financial information relating to the programs and services described in each community justice plan; and

(2) information concerning the amount of state aid and funding that is not state aid used to support each program or service provided by a department.

(d) As soon as is practicable after the completion of the report, the division shall submit the report prepared under Subsection (c) to the Texas Board of Criminal Justice and the executive director of the Texas Department of Criminal Justice.

(e) Not later than the date on which the Texas Department of Criminal Justice is required to submit the department's legislative appropriations request to the Legislative Budget Board, the division shall submit the report prepared under Subsection (c) to the Legislative Budget Board.

SECTION 6. Section 509.007, Government Code, is amended to read as follows:

Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division shall require as a condition to payment of state aid to a department or county under Section 509.011 and eligibility for payment of costs under Section 499.124 that a community justice plan be submitted for the department. The community justice council shall submit the plan required by this subsection. A community justice council may not submit a plan under this section unless the plan is first approved by the judges described by Section 76.002 who established the department served by the council. The council

1 shall submit a revised plan to the division each even-numbered
2 ~~[odd-numbered]~~ year not later than March 1 ~~[by a date designated by~~
3 ~~the division]~~. A plan may be amended at any time with the approval
4 of the division.

5 (b) A community justice plan required under this section
6 must include:

7 (1) a statement of goals and priorities and of
8 commitment by the community justice council, the judges described
9 by Section 76.002 who established the department, and the
10 department director to achieve a targeted level of alternative
11 sanctions;

12 (2) a description of methods for measuring the success
13 of programs provided by the department or provided by an entity
14 served by the department; ~~[and]~~

15 (3) a proposal for the use of state jail felony
16 facilities and, at the discretion of the community justice council,
17 a regional proposal for the construction, operation, maintenance,
18 or management of a state jail felony facility by a county, a
19 community supervision and corrections department, or a private
20 vendor under a contract with a county or a community supervision and
21 corrections department;

22 (4) a description of the programs and services the
23 department provides or intends to provide, including a separate
24 description of any programs or services the department intends to
25 provide to enhance public safety, reduce recidivism, strengthen the
26 investigation and prosecution of criminal offenses, improve
27 programs and services available to victims of crime, and increase

1 the amount of restitution collected from persons supervised by the
2 department; and

3 (5) an outline of the department's projected
4 programmatic and budgetary needs, based on the programs and
5 services the department both provides and intends to provide.

6 SECTION 7. Chapter 509, Government Code, is amended by
7 adding Section 509.0071 to read as follows:

8 Sec. 509.0071. COMMITMENT REDUCTION PLAN. (a) In addition
9 to submitting a community justice plan to the division under
10 Section 509.007, a department or a regional partnership of
11 departments may submit a commitment reduction plan to the division
12 not later than the 60th day after the date on which the time for
13 gubernatorial action on the state budget has expired under Section
14 14, Article IV, Texas Constitution.

15 (b) A commitment reduction plan submitted under this
16 section may contain a request for additional state funding in the
17 manner described by Subsection (e). A commitment reduction plan
18 must contain:

19 (1) a target number by which the county or counties
20 served by the department or regional partnership of departments
21 will, relative to the number of individuals committed in the
22 preceding state fiscal year from the county or counties to the Texas
23 Department of Criminal Justice for offenses not listed in or
24 described by Section 3g, Article 42.12, Code of Criminal Procedure,
25 reduce that number in the fiscal year for which the commitment
26 reduction plan is submitted by reducing the number of:

27 (A) direct sentencing commitments;

1 (B) community supervision revocations; or

2 (C) direct sentencing commitments and community
3 supervision revocations;

4 (2) a calculation, based on the most recent Criminal
5 Justice Uniform Cost Report published by the Legislative Budget
6 Board, of the savings to the state that will result from the county
7 or counties reaching the target number described by Subdivision
8 (1);

9 (3) an explanation of the programs and services the
10 department or regional partnership of departments intends to
11 provide using any funding received under Subsection (e)(1),
12 including any programs or services designed to enhance public
13 safety, reduce recidivism, strengthen the investigation and
14 prosecution of criminal offenses, improve programs and services
15 available to victims of crime, and increase the amount of
16 restitution collected from persons supervised by the department or
17 regional partnership of departments;

18 (4) a pledge by the department or regional partnership
19 of departments to provide accurate data to the division at the time
20 and in the manner required by the division;

21 (5) a pledge to repay to the state, not later than the
22 30th day after the last day of the state fiscal year in which the
23 lump-sum award is made, a percentage of the lump sum received under
24 Subsection (e)(1) that is equal to the percentage by which the
25 county or counties fail to reach the target number described by
26 Subdivision (1), if the county or counties do not reach that target
27 number; and

1 (6) if the commitment reduction plan is submitted by a
2 regional partnership of departments, an agreement and plan for the
3 receipt, division, and administration of any funding received under
4 Subsection (e).

5 (c) For purposes of Subsection (b)(5), if the target number
6 contained in the commitment reduction plan is described by
7 Subsection (b)(1)(B), the county or counties fail to reach the
8 target number if the sum of any increase in the number of direct
9 sentencing commitments and any reduction in community supervision
10 revocations is less than the target number contained in the
11 commitment reduction plan.

12 (d) A pledge described by Subsection (b)(4) or (5) must be
13 signed by:

14 (1) the director of the department submitting the
15 commitment reduction plan; or

16 (2) if the commitment reduction plan is submitted by a
17 regional partnership of departments, a director of one of the
18 departments in the regional partnership submitting the commitment
19 reduction plan.

20 (e) After reviewing a commitment reduction plan, if the
21 division is satisfied that the plan is feasible and would achieve
22 desirable outcomes, the division may award to the department or
23 regional partnership of departments:

24 (1) a one-time lump sum in an amount equal to 35
25 percent of the savings to the state described by Subsection (b)(2);
26 and

27 (2) on a biennial basis, and from the 65 percent of the

1 savings to the state that remains after payment of the lump sum
2 described by Subdivision (1), the following incentive payments for
3 the department's or regional partnership's performance in the two
4 years immediately preceding the payment:

5 (A) 15 percent, for reducing the percentage of
6 persons supervised by the department or regional partnership of
7 departments who commit a new felony while under supervision;

8 (B) five percent, for increasing the percentage
9 of persons supervised by the department or regional partnership of
10 departments who are not delinquent in making any restitution
11 payments; and

12 (C) five percent, for increasing the percentage
13 of persons supervised by the department or regional partnership of
14 departments who are gainfully employed, as determined by the
15 division.

16 (f) A department or regional partnership of departments may
17 use funds received under Subsection (e) to provide any program or
18 service that a department is authorized to provide under other law,
19 including implementing, administering, and supporting
20 evidence-based community supervision strategies, electronic
21 monitoring, substance abuse and mental health counseling and
22 treatment, specialized community supervision caseloads,
23 intermediate sanctions, victims' services, restitution collection,
24 short-term incarceration in county jails, specialized courts,
25 pretrial services and intervention programs, and work release and
26 day reporting centers.

27 (g) Any funds received by a department or regional

1 partnership of departments under Subsection (e):

2 (1) are in addition to any per capita or formula
3 funding received under Section 509.011; and

4 (2) may not be deducted from any per capita or formula
5 funding received or to be received by:

6 (A) another department, if the commitment
7 reduction plan is submitted by a department; or

8 (B) any department, if the commitment reduction
9 plan is submitted by a regional partnership of departments.

10 (h) The division shall deduct from future state aid paid to
11 a department, or from any incentive payments under Subsection
12 (e)(2) for which a department is otherwise eligible, an amount
13 equal to the amount of any pledge described by Subsection (b)(5)
14 that remains unpaid on the 31st day after the last day of the state
15 fiscal year in which a lump-sum award is made under Subsection
16 (e)(1). If the lump-sum award was made to a regional partnership of
17 departments, the division shall deduct, in accordance with the
18 agreement and plan described by Subsection (b)(6), the amount of
19 the unpaid pledge from the future state aid to each department that
20 is part of the partnership or from any incentive payments under
21 Subsection (e)(2) for which the regional partnership of departments
22 is otherwise eligible.

23 SECTION 8. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2011.

H.B. No. 3691

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 3691 was passed by the House on May 13, 2011, by the following vote: Yeas 131, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3691 on May 27, 2011, by the following vote: Yeas 141, Nays 2, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3691 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 28, Nays 3.

Ratay Spaw

Secretary of the Senate

APPROVED: 17 JUN '11

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4:22 O'CLOCK

JUN 17 2011

Boyd R. Roberts

Secretary of State